Usufructuary Rights.

ORDER NO. R. 7692-702—L. R. 68-27-16, DATED 28TH MAY 1930.

At the Session of the Representative Assembly held in June 1927, some members complained that cocoanut and fruit trees raised by villagers in front of their houses, were sometimes treated as the property of Government, and included in the *amarayi* lists. This representation obviously referred to trees planted and reared by private persons on land, the ownership of which vested in Government, and a promise was made that the matter would be investigated and considered.

2. The Revenue Commissioner's report which is based on information obtained from the Deputy Commissioners, discloses that the practice in regard to the treatment of trees planted by individuals on Government land in villages is not uniform throughout the State and that at present no satisfactory and reliable record exists of the fact of planting or the enjoyment of usufructuary rights. There is no doubt however that, in a very large number of cases, individuals have been permitted to plant and enjoy rights over trees on Government land, and it is necessary that these rights should be regularised and recorded.

3. The principle enunciated in Government Order No. 1372-80—R. F. 161-96 dated 31st July 1897 that property in trees should as a rule go with the ownership of the land on which they grow, is being observed in the transfers of Government land to individuals except in regard to sandal trees; but lands within village sites, which are still public property stand on a somewhat different footing. It is often necessary that Government or local bodies should retain control over vacant sites, or strips of land adjoining roads and public places in the interests of the improvement of the villages but it is also desirable that individuals should be allowed and even encouraged to plant valuable fruit and foliage trees in the precincts of the village, and this can only be done by conceding to them the enjoyment of usufructuary rights, without prejudice to the power of Government or the local body to remove the trees when necessary for a public purpose.

4. Government agree with the Revenue Commissioner that the Village Panchayets are the most appropriate bodies for being entrusted with the carrying out of the above policy.

5. The Revenue Commissioner has proposed the following rules for regulating the planting of trees by private persons on land which is public property:—

(i) The Village Panchayets should actively encourage private parties to plant fruit and shade trees suitable for the area, in the road margin or in front of houses in a systematic manner.

(ii) The usufruct of such trees may be enjoyed by the person planting the same and his successors in interest.

(iii) A register called "ಮರುಮಳಿಗೆಯಪತ್ರಿಕೆ" should be maintained in each village, wherein a record should be made of the trees now so existing and of the permission hereafter granted.

(iv) Where the private parties so desire or all the villagers are agreeable, the private right may be protected or assured by an annual payment of a nominal fee of two annas per tree, say as ground rent.

(v) A summary enquiry may be held by the Village Panchayet in each case and its decision recorded in the remarks column under the signature of the Chairman.

(vi) This register shall be checked by the Amildar, not less than once a year. He will hear appeals against the Village Panchayet's decision in the matter and his orders will also be recorded in the Register.

(vii) A similar record should be made in respect of avenue trees.

(viii) All Inspecting Officers may give every encouragement in this matter.

(ix) It should be the aim of every Village Panchayet to have within the next five years, as a result of this policy, fruit and shade trees planted up completely in the road margin or in front of the houses both inside the village and on approach roads.

6. Government are pleased to approve of the above rules.

7. A complete record in duplicate should be made as early as possible of all trees on Government lands, the usufruct to which vests in individuals. This list should be scrutinised and certified as correct during the next jamabandi, and one copy of it should be given to the Village Panchayet concerned and the other preserved in the

Taluk Records. A similar list should be prepared and verified of trees in the *gavtan* not owned by individuals and these trees should be handed over to the village Panchayet. New trees might be allowed to be planted in open places in the *gavtan* either by the Village Panchayet or by individuals with the permission of the Panchayet. No claim to compensation should however arise, when such trees have to be removed for the widening of roads and other open spaces or for other similar communal purposes. Permission should not be given by the Panchayet for planting trees in open spaces likely to become useful as building sites. But trees might be planted on the approach roads.

N. RAMA RAO,
Secretary to Government,
Development Departments.

Reviews the report on the Rainfall Registration in Mysore for 1929.

READ—

Letter No. 789 dated 19th April 1930; from the Meteorological Reporter to Government, submitting the report on the Rainfall Registration in Mysore, for the year 1929.

ORDER No. D. 12842-51— STCS. 41-29-30, DATED 20TH MAY 1930.

Recorded.

The total number of Raingauge Stations on the 31st December 1929, was 239 as against 234 in the year previous, 4 new stations having been opened respectively at Aldur, Gonebidu, Balehonnur and Hirebyle in the Kadur District, and one at Jogimatt, in the Chitaldrug District. Government again regret to observe that in spite of repeated instructions issued in this behalf from time to time, as many as 34 stations escaped inspection during the year as against 37 during the last year, the greater number of such uninspected stations being 8 and 15 in the Hassan and Tumkur Districts respectively and four of those in the Tumkur District being at Taluk Headquarters. This is very unsatisfactory, especially in view of the remarks made with regard to these two Districts, in the last year's review.

Most of the stations inspected are said to be in good condition.

M. VENKATESA IYENGAR,
Offg. Secretary to Government,
Development Departments.

LAW SECRETARIAT.

Game and Fish Preservation Regulation, etc.

READ—

Letter No. C. 1783—29, dated 20th March 1930, from the Inspector-General of Police, submitting a report on the working of the *Game and Fish Preservation Regulation and the Rules framed thereunder during the calendar year 1929.

(*Printed as annexure)

ORDER No. P. 6702-12—POL. 262-29-2, DATED 23RD MAY 1930.

Recorded.

2. The District Forest Officers having by Government Order No. G. 1244-200—Ft. 179-26-2, dated 30th April 1928, been invested with the authority to